

*Application*  
K&L|GATES *granted in*

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*substantial part. The Court adopts the parties' proposed extended discovery schedule. However, the Court has been setting aside November 3, 2010 an entire day for the settlement conference and declines to block*

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By ECF *out a new day if the parties are engaged in private mediation. Therefore, the November 16th Settlement Conference is adjourned sine die.*

Honorable Roanne L. Mann  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Ross University School of Medicine Ltd. v. Brooklyn-Queens Health Care Inc. and Wyckoff Heights Medical Center  
Case No. 09 Civ. 1410 (KAM) (RLM)

Dear Judge Mann:

My firm and I represent the defendants Brooklyn-Queens Health Care Inc. and Wyckoff Heights Medical Center in the above referenced action. I write to advise the Court that the parties have agreed to explore whether this matter can be resolved through mediation.

In this connection, the parties jointly request an extension of the current discovery schedule. Under the current schedule: (i) the conclusion of fact discovery is November 10, 2010; (ii) plaintiff's Fed. R. Civ. P. 26(a)(2)(B) reports are due November 30, 2010 with defense reports due January 7, 2011 and rebuttal reports due 30 days after delivery of the reports to which they respond; and (iii) depositions of all experts are to be completed by March 11, 2011. Furthermore, a settlement conference is scheduled for November 16, 2010 at 9:30AM. The parties request an extension of these deadlines of approximately five weeks.

Under the new proposed discovery schedule: (i) the conclusion of fact discovery would be extended to December 15, 2010; (ii) plaintiff's Fed. R. Civ. P. 26(a)(2)(B) reports would be due January 7, 2011 with defense reports due February 7, 2011 and rebuttal reports would be due 30 days after delivery of the reports to which they respond; and (iii) depositions of all experts would be completed by April 15, 2011.

The parties also request that the November 16 conference with the Court be rescheduled to a date of the Court's convenience after December 15.

*Counsel shall, by December 10, 2010, file a report on the status of the parties' mediation efforts.*

SO ORDERED

/s/  
Roanne L. Mann  
U.S. Magistrate Judge  
Dated 11/4/10

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The parties previously requested an extension of the discovery schedule that was granted by this Court on September 13, 2010. Since that time, the defendant has produced additional document discovery and the parties have engaged in multiple communications (and are continuing discussions) in an effort to resolve outstanding discovery issues.

Counsel for both parties respectfully request that your Honor so order the agreement as set forth above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. P. Loughlin', is written over the typed name.

Walter P. Loughlin

cc: Ryan P. Farley, Esq.  
George Tzanetopoulos, Esq.

*Counsel for Plaintiff*